

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)
(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

v.

CENCORA, INC. f/k/a AMERISOURCEBERGEN
DRUG CORPORATION, MWI VETERINARY
SUPPLY CO.,

Defendants.

Adv. Proc. No. 24-50043 (KBO)

**REPORT WITH RESPECT TO THE STATUS OF ADVERSARY PROCEEDING
AGAINST CENCORA, INC. F/K/A AMERISOURCEBERGEN DRUG
CORPORATION, MWI VETERINARY SUPPLY CO.**

Plaintiff submits this status report (the “Report”) regarding the status of the above-captioned adversary proceeding against Cencora, Inc., f/k/a AmerisourceBergen Drug Corporation, and MWI Veterinary Supply Co. (together, the “Defendants”).

The complaint was filed on April 15, 2024 (Adv. D.I. 1) (the “Complaint”), asserting claims for payment of goods sold and delivered, breach of contract, unjust enrichment, turnover

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

of accounts receivable, and related relief. On November 15, 2024, Defendants filed a motion to dismiss counts five (turnover of property) and six (disallowance of proofs of claim) of the Complaint (Adv. D.I. 48) (the “Partial Motion to Dismiss”). Plaintiff agreed not to contest the Partial Motion to Dismiss and the Court entered an order granting the Partial Motion to Dismiss on December 17, 2024 (Adv. D.I. 54).

Pursuant to the *Fourth Amended Scheduling Order* (Adv. D.I. 59), the following key dates have been established for the discovery process:

- Fact discovery must be completed by March 17, 2025.
- Expert reports for issues where parties bear the burden of proof are due by April 14, 2025, with rebuttal expert reports required by May 5, 2025.
- All expert discovery is to be completed by May 27, 2025.

Additionally, the parties are required to agree on a mediator and file a related stipulation by March 17, 2025, or request court intervention if an agreement cannot be reached. Deadlines for dispositive motions are set 30 days after the close of discovery, and trial scheduling will follow the resolution of dispositive motions.

On January 6, 2025, the Defendants filed their answer to the Complaint (D.I. 57). The parties continue to work diligently to meet the established deadlines and ensure compliance with all requirements.

Dated: January 27, 2025

SAUL EWING LLP

/s/ Paige N. Topper

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